



SECRETARIAT

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24 April 2015

To the members of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)

Synopsis of the meeting held in Strasbourg on 20, 22 and 23 April 2015

The Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), meeting in Strasbourg, on 20, 22 and 23 April 2015, with Mr Stefan Schennach (Austria, SOC) in the Chair:

- on Monday 20 April 2015 at 2 p.m., as regards:
 - **Ad hoc Sub-Committee on Conflicts between Member States of the Council of Europe:** held an exchange of views on the terms of reference and composition of the ad hoc sub-committee; adopted a decision (see appendix) on the establishment of the ad hoc sub-committee; and agreed that the first meeting would take place in Paris on 27 May 2015 (from 2 pm);
 - **Consideration of the annulment of the previously ratified credentials of the delegation of the Russian Federation (follow-up to paragraph 16 of Resolution 2034 (2015)):** appointed Mr Stefan Schennach (Austria, SOC) rapporteur;
- on Wednesday 22 April 2015 at 2 p.m., as regards:
 - **Ukraine** (co-rapporteurs: Ms Mailis Reps, Estonia, ALDE, and Mr Jean-Claude Mignon, France, EPP/CD): took part in the hearing organised by the Committee on Political Affairs and Democracy and the Committee on Migration, Refugees and Displaced Persons on “Ukraine: prospects for peace and humanitarian challenges”;
- on Thursday 23 April 2015 at 2 p.m., as regards:
 - **Post-monitoring dialogue with Monaco** (Rapporteur: Mr Jordi Xuclà, Spain, ALDE): took note that no amendments had been tabled to the draft resolution and held an exchange of views on the possible follow-up to the resolution once adopted;
 - **Post-monitoring dialogue with Montenegro:** appointed Mr Terry Leyden (Ireland, ALDE) and Mr Ionuț-Marian Stroe (Romania, EPP/CD) co-rapporteurs for the post-monitoring dialogue with Montenegro and took note of their written statements of non-conflict of interest;
 - **Ukraine** (co-rapporteurs: Ms Mailis Reps, Estonia, ALDE, and Mr Jean-Claude Mignon, France, EPP/CD): considered an information note on the co-rapporteurs’ visit to Kyiv (25-27 March), held an exchange of views, agreed to declassify the information note and agreed to hold a hearing with Ambassador Heidi Tagliavini, Special Representative of the OSCE Chairperson-in-Office in Ukraine and in the Trilateral Contact Group on the implementation of the peace plan in the East of Ukraine, at its next meeting;

- **Authorisation of fact-finding visits:** authorised a visit to Bosnia and Herzegovina;
- **Other business,** agreed that the Chair would submit an information document on allocation of rapporteurships at its next meeting; congratulated Mr Indrek Saar on his appointment as Minister of Culture of Estonia; and decided to invite the Secretary General Mr Jagland for an exchange of views at one of its next meetings;
- **Next meetings:** decided to hold its next meetings as follows:

Paris, 28 May 2015

Strasbourg, 22-26 June 2015 (during the Assembly part-session)

Sarajevo, September 2015 (*to be confirmed and subject to authorisation of the Assembly Bureau*)

Strasbourg, 28 September – 2 October 2015 (during the Assembly part-session)

Paris, 3 November 2015 (*to be confirmed*)

Paris, 9 December 2015 (*to be confirmed*)

Ad hoc Sub-Committee on Conflicts between Member States of the Council of Europe:

Paris, 27 May 2015 (from 2 pm to 5.30 pm).

Caroline Ravaud, Bas Klein, Sylvie Affholder, Delphine Freymann

cc. *Secretary General of the Assembly*
Director General, Directors and all staff of the Secretariat of the Assembly
Secretaries of National Delegations and of Political Groups of the Assembly
Secretaries of observer and partner for democracy delegations
Secretary General of the Congress
Secretary to the Committee of Ministers
Directors General
Director of the Private Office of the Secretary General of the Council of Europe
Director of the Office of the Commissioner for Human Rights
Director of Communication
Permanent Representations to the Council of Europe

Appendix

Decision to establish an ad hoc Sub-Committee on Conflicts between Council of Europe Member States*

1. The Monitoring Committee decides to set up an ad hoc Sub-Committee on “Conflicts between Council of Europe member States” in line with rule 49 of the Rules of Procedure.
2. For the competences and work of the ad hoc sub-committee, the conflicts in question are understood to mean *“a situation in which active armed conflict has been brought to an end, but no peace treaty or other political framework resolves the conflict to the satisfaction of the combatants. Therefore, legally the conflict can start again at any moment, creating an environment of insecurity and instability”*.
3. The competence of the ad hoc sub-committee is to explore, on the basis of the findings of the co-rapporteurs concerned, how the application of the obligations and commitments to the Council of Europe can be ensured in the areas affected by the current unresolved conflicts between Council of Europe member States and that, as a result of these conflicts, are not under the control of the authorities of the member State to which they pertain. In particular it will explore how Council of Europe principles and standards with regard to democracy, the rule of law and human rights can be safeguarded in these areas. In this context any action undertaken by the ad hoc sub-committee will be status neutral and in such a manner that it cannot be interpreted as an explicit or implicit recognition of the de facto status quo.
4. In addition, and in this context, the ad hoc sub-committee aims to facilitate the co-ordination and harmonise the approaches taken by the respective teams of co-rapporteurs towards the conflict(s) that the country under their responsibility is party to. In this regard, the ad hoc sub-committee will also explore how the monitoring procedure can support the work of the existing structures and mechanisms established to mediate in the unresolved conflicts in the Council of Europe’s geographical area.
5. It should be emphasised that the aim of this sub-committee is not to provide an alternative to the already established diplomatic and political mechanisms for the resolution of these conflicts. It does not intend and does not claim to be a conflict-resolution mechanism as such. On the contrary, the aim of this sub-committee is to explore how the Assembly, through its Monitoring Committee, can support the work of the existing conflict-resolution mechanisms that have been established for the conflicts in question.
6. In practical terms, and within the context of its competences as described above, the ad hoc sub-committee shall deal with the conflicts over Nagorno-Karabakh and six other occupied territories: South Ossetia and Abkhazia, northern Cyprus; Transnistria and Crimea, as well as, pending developments, eastern Ukraine.
7. Through its parent committee, the ad hoc sub-committee shall co-ordinate its work with that of the other committees of the Assembly.
8. The ad hoc sub-committee shall be composed of:
 - a) The co-rapporteurs of the Monitoring Committee for Armenia, Azerbaijan, Georgia, the Republic of Moldova, the Russian Federation, Turkey and Ukraine.
 - b) Ex-officio: the Chairpersons of the Committee on Political Affairs and Democracy and the Committee on Legal Affairs and Human Rights insofar as they are not covered under category (a)
 - c) The chairpersons of the political groups of the Assembly, insofar as they are not covered under category (a) and (b)
 - d) The Chair of the Monitoring Committee, in line with rule 49.6
9. The members of the ad hoc sub-committee cannot be substituted.
10. In line with § 10 of Resolution 1115 (1997), the ad hoc sub-committee shall invite a representative of the ruling majority and opposition of the relevant national delegations to participate in the debates on the conflict(s) to which their country is a party. In addition, the ad hoc sub-committee shall invite, when relevant, the rapporteurs for the conflicts mentioned in paragraph 6, as well as the rapporteurs for missing persons as a result of these conflicts of other Assembly committees, to the debates on the conflicts on which they are preparing a report.

* Adopted by the committee at its meeting on 20 April 2015.

11. One year after its establishment, the Monitoring Committee shall evaluate, on the basis of an information report prepared by the ad hoc sub-committee, the effectiveness and on-going need for this ad hoc sub-committee. In addition, in line with rule 49.5 of the Rules of Procedure the ad hoc Committee will need to be re-appointed during the first part of each ordinary session (i.e each January part-session).